

# HERMAN & WHITEAKER, LLC

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October 5, 2018

## VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

**Re: Notice of Ex Parte, *Transforming the 2.5 GHz Band*, WT Docket No. 18-120**

Dear Ms. Dortch:

On Wednesday, October 3, 2018, Clifford Agee and Josh Snow of Trace Fiber Networks, wholly-owned subsidiary of the Chickasaw Nation, and their counsel, Clare Liedquist, Molly O'Connor and the undersigned with Herman & Whiteaker, LLC, met with John Schauble, Catherine Schroeder,<sup>1</sup> Nancy Zaczek, Nadja Sodos-Wallace, Blaise Scinto and Jonathan Campbell with the Wireless Telecommunications Bureau and Matthew Duchesne, Sayuri Rajapakse, and Janet Sievert with the Office of Native Affairs and Policy of the Federal Communications Commission ("FCC" or "Commission"). During the meeting, the parties discussed the importance of the *Transforming the 2.5 GHz Band* proceeding, particularly for Tribal Nations such as the Chickasaw Nation.

Mr. Agee described the lack of broadband access to many Chickasaw Nation citizens and the Nation's determination to reach those under and unserved citizens. The Chickasaw Nation's territory extends across 13.5 counties in south-central Oklahoma, much of which is rural. Thus, providing quality broadband can be challenging and expensive and as a result, over sixty percent (60%) of Chickasaw residents do not have service that meets the FCC definition of broadband.

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<sup>1</sup> Joined by telephone.

Mr. Agee discussed the Nation's own efforts to bring its citizens broadband service, including substantial investments in a fiber loop and a partnership with a Wireless Internet Service Provider. Mr. Snow explained that the unlicensed wireless network is very limited due to interference and propagation issues inherent in unlicensed spectrum and that access to licensed 2.5 spectrum could provide an enormous opportunity for the Chickasaw Nation to close the coverage gaps throughout the Nation.

Mr. Agee and Mr. Snow expressed frustration with national carriers that lease the majority of existing 2.5 GHz licenses but do not deploy services to the vast majority of geographic area covered by the licenses. Current lessees have been unwilling to partition or sublease the areas where the spectrum lies fallow.

Mr. Agee explained that the Chickasaw Nation, like many other Tribal Nations, is not located on a "reservation" and concluded that the Tribal Rules proposed for the local priority filing windows should apply to "Tribal lands" so as not to exclude Tribal Nations whose lands do not fall under the definition of "reservation."

Mr. Agee and Mr. Snow explained the difficulties associated with the participation of Tribal Nations to compete in auctions for licensed spectrum and expressed the importance of the local priority filing windows proposed in the NPRM. The local priority filing windows, particularly for Tribal Nations, will provide a rare opportunity to acquire valuable spectrum needed to provide coverage to unserved and underserved areas.

Pursuant to Section 1.1206(b) of the Commission's Rules, we are filing this letter electronically in the above-captioned docket. Please contact the undersigned if you have any questions.

Respectfully submitted,



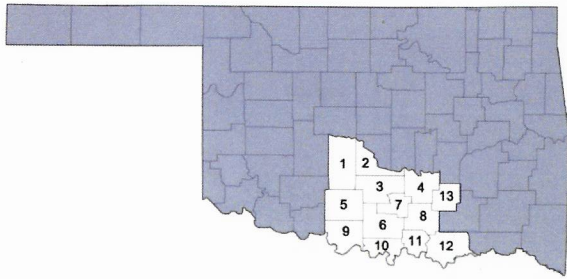
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Donald L. Herman, Jr.  
Clare Liedquist  
Molly O'Connor  
*Counsel to Trace Fiber Networks & the  
Chickasaw Nation*

Attachment

cc: John Schauble (via email)  
Catherine Schroeder (via email)  
Matthew Duchesne (via email)

Nancy Zaczek (via email)  
Nadja Sodos-Wallace (via email)  
Sayuri Rajapakse (via email)  
Janet Sievert (via email)  
Blaise Scinto (via email)  
Jonathan Campbell (via email)



Over **60%** of Chickasaw Country residents **DO NOT** have service that meets **FCC definition of broadband.**

In **7** of the **13** Chickasaw counties, **70%** of residences **DO NOT** have access to **broadband.**

**Oklahoma** ranks **44th** out of **50** for **state connectivity** in the U.S.



*the  
Chickasaw  
Nation*

**Trace Fiber Networks** seeks to digitally enhance the overall quality of life for the Chickasaw people by providing high-speed fixed broadband internet services within Chickasaw Country.

## CONTACT

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# TRACE FIBER NETWORKS

THE CHICKASAW  
NATION





# WIRELESS

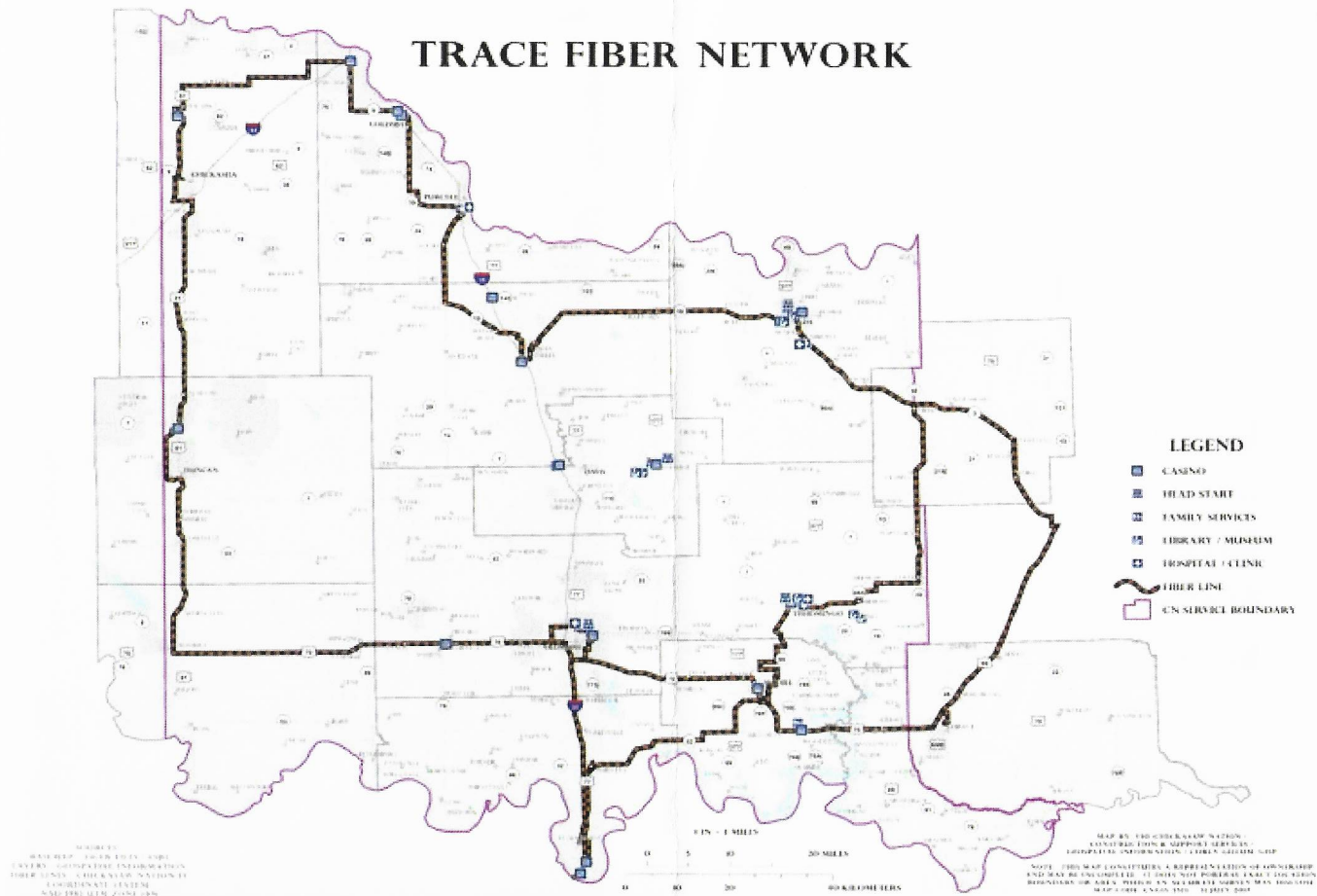
The Chickasaw Nation entered into a **Public-Private Partnership** with **360 Communications**, a preferred Chickasaw vendor, to bring affordable high-speed internet to part of rural Chickasaw Country using the **unlicensed 5.2 - 5.8 GHz spectrum**.

So far, this network has been deployed on 7 towers surrounding Ada, OK in Pontotoc County. We have had **great success** in providing broadband, with most subscribers reaching speeds over **50 Mbps down and 10-20 Mbps up**.

## 2.5 GHZ SPECTRUM

Trace Fiber Networks seeks to establish **fixed broadband** in **unserved** and **underserved** areas within Chickasaw Country utilizing the 2.5 GHz spectrum.

## TRACE FIBER NETWORK



**Trace Fiber Networks**, a Chickasaw-owned subsidiary, elected to self-fund the construction of a **500-mile fiber optic network** encompassing the Chickasaw Nation's boundary to improve broadband availability in Chickasaw Country. Trace Fiber intends to deploy spectrum along the fiber route where fixed wireless internet can be provided. *The above map outlines the fiber route.*